

AMENDED IN ASSEMBLY MAY 1, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 859

Introduced by Assembly Member Nakano

February 20, 2003

An act to amend Section 36994 of the Public Resources Code, relating to oceans, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 859, as amended, Nakano. ~~Oceans: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: Water management.~~

Existing law establishes the California Ocean Trust to seek funds for ocean resources science projects, encourage new technologies related to ocean management information, and ~~to~~ promote more effective coordination of ocean resource science, among other things.

This bill would require the trust to develop an implementation plan that guides the development, funding, and operation of a network of regional, science-based ocean observing systems for use throughout the state. The bill would require the trust to report to the Governor and the Legislature on the plan by July 1, 2004.

~~The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, an initiative measure approved by the voters on November 5, 2002, authorizes the issuance of bonds in the amount of \$3,440,000,000 for the purposes of financing a safe drinking water, water quality, and water reliability program.~~

~~This bill would appropriate an unspecified amount from bond funds made available by the initiative measure to the State Coastal Conservancy to finance the establishment and operation of a regionally-based collaborative network of ocean observing systems to monitor the California coast for the purposes of water management.~~

Vote: majority. Appropriation: ~~yes~~ *no*. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 36994 of the Public Resources Code is
- 2 amended to read:
- 3 36994. (a) The trust shall do all of the following:
- 4 (1) Expend funds only for the purposes of the trust enumerated
- 5 in Section 36990 and as further restricted by the sources of the
- 6 trust's funding.
- 7 (2) Make written findings for funds committed for projects,
- 8 indicating how the projects further the purposes of the trust
- 9 enumerated in Section 36990.
- 10 (3) Require the recipient of funds to keep records necessary to
- 11 disclose whether the funds were used for the purposes specified by
- 12 the trust.
- 13 (4) Invest and manage the funds of the trust in accordance with
- 14 the Nonprofit Public Benefit Corporation Law (Part 2
- 15 commencing with Section 5110) of Division 2 of Title 1 of the
- 16 Corporations Code).
- 17 (5) (A) Develop an implementation plan that guides the
- 18 development, funding, and operation of a network of regional,
- 19 science-based ocean observing systems for use throughout the
- 20 state. The plan shall set forth a flexible strategy for the deployment
- 21 of the systems, taking into account existing systems and programs,
- 22 technical readiness, realistic budgetary measures, and related
- 23 federal programs. The plan shall be based on user needs, including
- 24 water quality, hazard management, living marine resources, and
- 25 science, and shall provide a strategy for providing services to
- 26 users. The strategy shall be developed in coordination with federal
- 27 ocean observing initiatives, in order to ensure that the state system
- 28 complements national systems.
- 29 (B) Report to the Governor and the Legislature by July 1, 2004,
- 30 on the implementation plan.



(6) The trust shall report in writing annually to the Legislature and to the Chair of the Joint Committee on Fisheries and Aquaculture. The annual report shall include the most recent financial audit of the trust and the written findings required pursuant to paragraph (2). The activities of the trust for any financial year may be audited by the Bureau of State Audits.

(b) The trustees shall ensure that the trust, individual trustees acting on behalf of the trust and employees or agents of the trust do not engage in lobbying or contribute to, or otherwise support, any political party, candidate, or ballot issue.

(c) This chapter does not expand the authority of the trust to contract for professional services beyond the authority to contract for those services in Section 19130 of the Government Code.

~~SEC. 2. (a) The sum of _____ (\$_____) is hereby appropriated from the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 to the State Coastal Conservancy, in accordance with Section 79561 of the Water Code, for the establishment and operation of a regionally-based collaborative network of ocean observing systems to monitor the California coast for the purpose of water management.~~

~~(b) The State Coastal Conservancy may only allocate funds pursuant to subdivision (a) if it determines that the allocation meets the requirements of Division 26.5 (commencing with Section 79500) of the Water Code.~~

